

REMARKS

Claims 1-21 are pending and under consideration. Reconsideration is requested based on the following remarks.

Response to Arguments:

The Applicants acknowledge with appreciation the consideration given to their arguments, and the new grounds of rejection. Further favorable consideration is requested.

Objections to the Claims:

Claims 1, 2, 5, and 14 were objected to for reciting the term "adapted to." Claims 1 and 2, to the contrary, recite "adapting" not "adapted to." The gerund "adapting," moreover, is a positively recited operation. It is submitted, therefore, that whether the term "adapted to" suggests or makes optional and only requires the ability to so perform, as asserted in the Office Action, is not relevant to claims 1 or 2.

The recitation "adapted to," moreover, is not a negative limitation. Even if it were, however, there is nothing inherently ambiguous or uncertain about a negative limitation. In particular, as provided by M.P.E.P. § 2173.05(i):

So long as the boundaries of the patent protection sought are set forth definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. 112, second paragraph.

Since the recitation "adapted to," sets forth definitely the boundaries of the patent protection sought, claim 1, 2, 5, and 14 are submitted to meet the requirements of 35 U.S.C. § 112, second paragraph. Withdrawal of the objection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claims 1-4, 9, 10, 12, 13, 20, and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over the section of the subject application entitled "Background of the Invention" (hereinafter "Background") in view of US Patent Application Publication No. 2002/0022453 to Balog. The rejection is traversed. Reconsideration is earnestly solicited.

The fourth clause of claim 1 recites:

Storing a standardized terminal profile in at least two of the plurality of

communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device.

Neither the Background nor Balog teaches, discloses, nor suggests "storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device," as recited in claim 1. The Office Action acknowledges this deficiency with respect to the Background in section 4, at page 3, and attempts to compensate for it by combining the Background with Balog. Balog, however, is not "storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device" either, and thus cannot make up for the deficiencies of the Background with respect to claim 1.

The global profile of Balog, rather, to which the Office Action analogizes the recited "standardized terminal profile," appears to be the *only* profile available to a particular device. A user in Balog, in particular, is associated with a global profile having the characteristics of the devices and user attributes, and then one of the devices *best* suited for reception of the information is selected in accordance with the global profile and the data type. In particular, as described in paragraph [0010]:

The method includes the steps of associating a user with a global profile having the characteristics of the devices and user attributes; selecting one of the devices best suited for reception of the information in accordance with the global profile and the data type; and the service provider delivering the information to the selected device.

Since a user in Balog is associated with a global profile having the characteristics of the devices and user attributes, and then one of the devices best suited for reception of the information is selected in accordance with the global profile and the data type, Balog is not "storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device," as recited in claim 1.

Nor is there any basis for the assertion in the Office Action in section 4, at the top of page 4, that the global profile is stored in servers. In Balog, rather, each *user* 14 is associated with a global profile 28. The global profile 28, in turn, *includes* a user profile, and the *user* profile is

stored on a personalization server 30 for retrieval and referencing by the content server 22. In particular, as described at paragraph [0022]:

Now referring to FIGS. 1 and 2, each user 14 is associated with a global profile 28 which includes a user profile comprising the user's 14 attributes such as user name and preferences and device 16 usage patterns. The user profile is stored on a personalization server 30 for retrieval and referencing by the content server 22.

Since, in Balog, each user 14 is associated with a global profile 28 which includes a user profile, and the user profile is stored on a personalization server 30 for retrieval and referencing by the content server 22, Balog is not "storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device," as recited in claim 1.

Balog, moreover, describes only storing the *user* profiles and the device characteristics in the personalization servers 30 and 32, and making them available to the mobility server 34, not the *global* profile. In particular, as described at paragraph [0029]:

Each user profile is defined and stored in one or more personalization servers 30 and made available to a mobility server's 34 content routing application as required in the content routing process.

Since, in Balog, the user profile is defined and stored in one or more personalization servers 30 and made available to a mobility server's 34, Balog is not "storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device," as recited in claim 1.

Finally, in Balog, the *user* profile 28, not the global profile, is stored in the mobility server 34. In particular, as described in paragraph [0032]:

Now referring to FIGS. 1 and 2, the user profile 28 is stored in the mobility server 34 and the user 14 is assigned specific access privileges, such as, permitted media types or bandwidth restrictions.

Since, in Balog, the user profile 28 is stored in the mobility server 34, Balog is not "storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device," as recited in claim 1. Thus, even if the Background and Balog were combined as proposed in the Office Action, claim 1 would not result.

The fifth clause of claim 1 recites:

Adapting the standardized terminal profile to a particular communication terminal, such that the particular communication terminal, when accessing the alternate communication device via the second address, can connect to the alternate communication device.

Neither the Background nor Balog teaches, discloses, nor suggests "adapting the standardized terminal profile to a particular communication terminal, such that the particular communication terminal, when accessing the alternate communication device via the second address, can connect to the alternate communication device," as recited in claim 1. The Office Action acknowledges this deficiency with respect to the Background in section 4, at page 3, and attempts to compensate for it by combining the Background with Balog. Balog, however, is not "adapting the standardized terminal profile to a particular communication terminal, such that the particular communication terminal, when accessing the alternate communication device via the second address, can connect to the alternate communication device" either, and thus cannot make up for the deficiencies of the Background with respect to claim 1. In Balog, rather, the personalization server 30 and the characteristics server 32 select an appropriate target 16 for delivery of the content, i.e., the best terminal is selected for delivering a given content instead of "adapting the standardized terminal profile to a particular communication terminal," as recited in claim 1. In particular, as described in paragraph [0023]:

Both the personalization server 30 and the characteristics server 32 are involved in the process of selecting an appropriate target 16 for delivery of the content, and are included in the protocol selector 26. Thus, the global profile 28 represents a personal, customized environment that is localized around any one of the devices 16 or one particular device 16.

Since, in Balog, the personalization server 30 and the characteristics server 32 select an appropriate target 16 for delivery of the content, Balog is not "adapting the standardized terminal profile to a particular communication terminal, such that the particular communication terminal, when accessing the alternate communication device via the second address, can connect to the alternate communication device," as recited in claim 1. Thus, even if the Background and Balog were combined as proposed in the Office Action, claim 1 would not result. Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 2-4, 9, 10, 12, 13 depend from claim 1 and add further distinguishing elements. Claims 2-4, 9, 10, 12, 13 are thus also submitted to be allowable. Withdrawal of the rejection of

claims 2-4, 9, 10, 12, 13 is also earnestly solicited.

Claims 20 and 21:

The eighth clause of claim 20 recites:

At least one standardized terminal profile included in terminal-relevant data in the alternate communication device, the standard terminal profile being assignable to different communication terminals when accessing the alternate communication device via the second address.

Neither the Background nor Balog teaches, discloses, or suggests "at least one standardized terminal profile included in terminal-relevant data in the alternate communication device, the standard terminal profile being assignable to different communication terminals when accessing the alternate communication device via the second address," as discussed above with respect to the rejection of claim 1. Claim 20 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 20 is earnestly solicited.

Claim 21 depends from claim 20 and adds further distinguishing elements. Claim 21 is the submitted to be allowable as well. Withdrawal of the rejection of claim 21 is earnestly solicited.

Claims 5-8 and 14-19:

Claims 5-8 and 14-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over the Background and Balog in view of US Patent No. 6,119,001 to Delis et al. (hereinafter "Delis"). The rejection is traversed. Reconsideration is earnestly solicited.

Claims 5-8 and 14-19 depend from claim 1 and add further distinguishing elements. Neither the Background nor Balog teaches, discloses, or suggests "storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device," and "adapting the standardized terminal profile to a particular communication terminal, such that the particular communication terminal, when accessing the alternate communication device via the second address, can connect to the alternate communication device," as discussed above with respect to the rejection of claim 1. Delis does not either, and thus cannot make up for the deficiencies of either the Background or Balog with respect to claims 5-8 and 14-19. Claims 5-8 and 14-19 at the submitted to be allowable. Withdrawal of the rejection of claims 5-8 and 14-19 is earnestly solicited.

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Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-21 are allowable over the cited references. Allowance of all claims 1-21 and of this entire application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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